

November 4, 2010

Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: Further Inquiry into Two Under-Developed Issues in the Open Internet Proceeding

GN DocketNo.09-191
WC Docket No.07-52

Dear Chairman Genachowski and Commissioners:

The Alliance for Digital Equality (ADE) is a group founded on the core belief that digital technology is one of the most promising tools available to lessen the economic disparities that exist between affluent and distressed communities. As a non-profit organization with nearly 1,200 community institutional leaders across the nation directing 14 nationwide digital empowerment councils, we advocate on behalf of those without a voice or who find themselves on the wrong side of the digital divide. At ADE we take this role very seriously – especially considering the current state of telecommunications in America.

We at ADE are deeply concerned by the implications carried by the Federal Communications Commission's (FCC) further inquiry into the matters of preserving the open internet and broadband industry practices - specifically, proposals to implement net neutrality regulation and to limit broadband providers to a pre-determined set of specialized service offerings. This action seems to indicate the FCC is still considering unnecessary regulations that most agree will have damaging consequences for the future of the Internet. This is of particular concern at a time when we feel that the FCC's primary focus should be fulfilling the National Broadband Plan to achieve universal access – something that can be achieved under existing authority without pursuing extreme regulatory theories.

It is for this reason that we write today. Aside from being unnecessary, we are concerned that these extreme proposals, backed by groups outside of the mainstream carry potentially long-term negative effects that could seriously hinder the ability of minority and low-income communities to thrive in the 21st century. We believe such proposals would likely lead to higher broadband prices, potentially denying millions of Americans the benefit of enjoying basic affordable services in areas such as education, healthcare and public safety. Given this, we urge caution when considering these matters.

The Joint Center for Political and Economic Studies recently reported that 59% of Hispanics and 69% of African-Americans have adopted broadband as opposed to 79% of whites. This demonstrates a digital divide that continues to be a problem in spite of our growing, digital global economy – leaving millions of Americans and a disproportionate number of minority Americans struggling to compete with their digitally-connected counterparts, and essentially relegating this group to second class status. As our society increasingly goes digital, expanding

affordable access is an integral part of the digital revolution, especially in our low-income and minority communities.

We have already begun to make progress in this area. In fact, studies show that affordable tools like netbooks and smartphones are helping minority families take advantage of what broadband technology has to offer, making mobile broadband a key player in keeping inner-city and rural neighborhoods from being left behind by the digital revolution. This is a positive trend and we need to ensure that it continues. As such, we must consider how any Internet policies would affect this trend in minority and low-income communities in general.

We feel that net neutrality regulations threaten this very promising trend - and we are not alone. This concern was recently echoed by a group of 24 national organizations led by the Minority Media and Telecommunications Council (MMTC) who laid out their concerns regarding the extraordinary ramifications that such regulations carry for the wireless space, specifically as it affects minority communities, in an October 12 filing to the FCC. We applaud the MMTC filing and strongly support the views of these groups.

Similarly:

- We support the goal of preserving the free and open Internet as laid out in the four existing open Internet principles. However, we strongly feel that the Internet is not broken and that not only is increased regulation by the FCC unnecessary, but it also will not create jobs or lower the price of high-speed Internet for low income families - and these are the things our communities need right now.
- We are concerned that the FCC's proposal to limit broadband providers to a predetermined set of specialized service offerings would harm countless businesses and their customers at a critical time for economic recovery efforts. Decreased access to these services would impede critical innovation, investment and growth, which would disproportionately affect small, medium-sized and minority-owned businesses. We strongly feel that this is the wrong path to take.
- We feel the goal should be creating jobs, expanding small businesses and creating a regulatory environment that incentivizes private investment that will enable us to drive forward. The principles laid out in the National Broadband Plan lay the necessary framework for the FCC to achieve these goals under existing authority – however, the entire net neutrality debate serves as a distraction that draws away invaluable time and energy. Similarly, the FCC's proposal to limit access to specialized services threatens the future growth and vitality for the technology industry as well as those who have grown to depend on it.

We sometimes take for granted the digital revolution of the last two decades; the distance we've traveled and the progress America has made. More people have access to the Internet today than ever before and our country has created technologies that only a short time ago seemed inconceivable. In the midst of this rapid development it's sometimes easy to forget how we arrived here: through smart policies that encouraged the growth of our technology sector.

Let's not succumb to unnecessary and overreaching regulations that will hold back our innovative spirit and deepen the divides that currently exist in this country. Now, at this critical time, we must continue to work with public policy makers and the private sector on approaches to lower the cost of broadband so that Americans have equal access to the good jobs including the economic and educational opportunities that come with broadband expansion. Equal access to these benefits will prove to be a critical step on America's road to full economic recovery.

Respectfully submitted,
Julius H. Hollis, Chairman
Alliance for Digital Equality